

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE – EXAMINING GROUP 2152**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

First Named Inventor: Olivier MIAKINEN

Art Unit: 2152

Application No.: 09/604,919

Examiner: Lan Dai T. Truong

Filed: June 28, 2000

Confirmation No.: 6435

For: METHOD FOR REMOTE
INTERROGATION OF SNMP AGENTS

* * *

REQUEST TO WITHDRAW FINAL REJECTION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In regards to the Finality of the Office Action of May 15, 2008, the Applicant respectfully requests that it be withdrawn and reissued as a Non-Final Office Action. Applicant believes that it was improper to issue the Office Action as a Final Action, because, contrary to the Examiner's assertion on page 3 of the Office Action, the Section 112, second paragraph, grounds for rejection of Claims 9, 10 and 42-52 were not necessitated by Applicant's February 11, 2008 amendment. Quite to the contrary, no amendments were made to Claims 9, 10 and 42-52, the expressions objected to in the claims were in the originally presented claims, and this is the first time any rejection or objection to the expressions has been issued by the Examiner. Therefore, because the

expressions were not just presented in the previous amendment, they can not validly be used by the Examiner to make the current Office Action final. Additionally, the Examiner has failed to provide detailed reasons for why all of the claims in the application are now rejected. This is especially confusing, because in the prior Office Action, the Examiner had indicated that Claims 1, 12, 13 and 62 would be allowable if rewritten as proposed, which was done in Applicant's February 11, 2008 Amendment. However, the outstanding Office Action lists all of the claims as being rejected on page 2, but no details are provided in the Detailed Action section for Claims 1, 2, 4-8, 11-14, 16-41, and 53-64, which should be allowed.

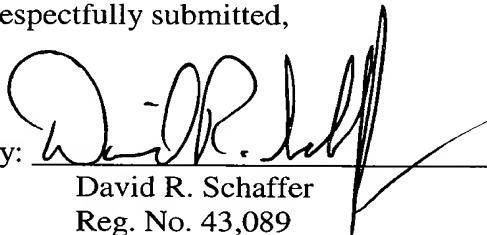
Applicant's undersigned representative had several telephone calls with the Examiner beginning on April 21, 2008 to discuss the claims and the need to cancel Claims 17, 19, 21, 24, 26, 30, 34, 36, 40, 43, 50 and 54, because they all ultimately depend from now canceled Claim 15 and that definitions for variables in at least Claims 9 and 10 were needed. Please note that Claims 43 and 50 of Applicant's list are in addition to those noted by the Examiner, but also need to be canceled as both ultimately depend from canceled Claim 15. On April 22, 2008, Applicant's undersigned representative called the Examiner and, per the prior calls with the Examiner, left a voicemail message authorizing the Examiner to issue an Examiner's Amendment to cancel Claims 17, 19, 21, 24, 26, 30, 34, 36, 40, 43, 50 and 54, to enable the application to pass to allowance.

On May 5, 2008, to make sure the Examiner's request for additional definition was clearly understood, Applicant's representative called the Examiner and again left a message asking the Examiner to issue a NON-Final Office Action specifically explaining which variables needed to be and how they needed to be defined. Unfortunately, this was not done and the outstanding Final Office Action was issued on May 15, 2008.

On August 15, 2008, Applicant's representative called and spoke with the Examiner about withdrawing the Finality of the Office Action and the Examiner requested Applicant submit a written request to that effect. Therefore, this request is being submitted pursuant to that request.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T3386-906538) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

By: 
David R. Schaffer
Reg. No. 43,089

Date: August 15, 2008

Miles & Stockbridge, P.C.
1751 Pinnacle Drive
Suite 500
McLean, Virginia 22102-3833
(703) 903-9000